

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

David B. Donaldson and  
Kimberly A. Donaldson,

Case No. 05-50980-R

Debtors.

Chapter 13

Order Regarding Fee Application of Debtor's Attorney

In this chapter 13 case, the attorney for the debtor has filed a fee application seeking fees of \$8,029.50 for 38 hours of services, plus reimbursement of expenses of \$478.61, for a total of \$8,508.11.

The trustee objects on the following grounds:

1. Trustee objects to full compensation for the time entries from March 4, 2005 through April 15, 2005 and July 25, 2005 totaling 13.8 hours with fees totaling \$3,031.50 for meetings with the clients and preparation of the Plan and Schedules as excessive and of no benefit to debtors' bankruptcy estate where counsel amended the Plan twice, amended Schedule C twice, amended paragraph 2 of the Statement of Financial Affairs, and Schedules G and H and the matrix. Trustee notes that the hourly rates of the attorneys who provided services are \$210.00 and \$225.00 per hour.
2. Trustee objects to full compensation for the time entry on May 20, 2005 for attendance at a § 341 First Meeting of Creditors at 3.2 hours at \$165.00 or \$528.00 as excessive for the services provided.
3. Trustee objects to compensation for the time entry on June 21, 2005 for drafting a response to Trustee's objection to confirmation for 1.5 hours at \$225.00 per hour or \$337.50 as unwarranted, excessive and of no benefit to the bankruptcy estate. As the Trustee had not been provided with verification of income prior to the § 341 First Meeting of Creditors it was continued to June 24, 2005, at which time counsel could have informed the Trustee of the responses to Trustee's objections and or simply filed corrective pleadings.

The application is to be resolved pursuant to 11 U.S.C. § 330(a).

Initially, the Court notes that this application requests fees substantially in excess of the range of usual fees in chapter 13 cases; in the Court's experience, such fees are usually between \$1800 and \$2500 and rarely exceed \$3000. Accordingly, this application must be scrutinized with special care to determine whether the fee requested is a reasonable fee.

As the trustee's objection notes, there were two amended plans, two amended schedule C's, and other amendments. The record also supports the trustee's contention that the application claims extraordinary time for consultations, meetings, and plan preparation. Certainly, depending on the complexities of a case, such substantial work might be justified. However, the Court can find nothing in the record of this case that justifies the expenditure of 38 hours of legal services.

The Court has reviewed the papers in the file and the complexities of the case and concludes that a reasonable fee is \$5,000. Accordingly a fee of that amount is awarded. Expenses of \$478.61 are allowed.

It is so ordered.

Not for Publication.

**Entered: March 22, 2006**

/s/ Steven Rhodes  
**Steven Rhodes**  
**Chief Bankruptcy Judge**